IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

LA.App..No. 1397 of 2002(D)

LAR.113/1993 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.LATHA THANKAPPAN.

RESPONDENTS: CLAIMANT

S.BAVA JOAN SAHIB, T.C. 48/1560,
AMBALATHARA, THIRUVANANTHAPURAM

BY ADV. SRI.K.L.NARASIMHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.4103/04 IN L.A.A. NO.1397 OF 2002

DISMISSED

15.10.2007. SD/- KURIAN JOSEPH, JUDGE.

SD/- HARUN-UL-RASHID, JUDGE.

TGS

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.1397 OF 2002

Dated 15th October, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 113/93 on the file of the Sub Court, Thiruvananthapuram. The main grievance is with regard to the enhancement of value of structure. The Land Acquisition Officer awarded Rs.58,387/- as value of the building. The same has been refixed at Rs.2,27,737/-. It is seen from the judgment that the fixation of the value of the structure has been made based on the evidence of AW2, Expert Commissioner. His report is marked as Ext.C1(a). The expert Commissioner is a retired Executive Engineer. The reference court has observed that "Nothing has been brought out during cross-examination of AW2 either to disbelieve his version or to discredit Ext.C1(a). If that is the position there is absolutely no reason to interfere with the mode of valuation adopted by AW2 or the value of the building, electrical connection, water supply and sanitary connection, retaining wall and filling the land with earth." The fixation of the value of structure thus made by the reference court being based

on the evidence available on record, and in the absence of any contra evidence, we do not find any merit in the appeal. It is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.1397 OF 2002

J U D G M E N T

Dated 15th October, 2007.